

REMARKS

As a preliminary matter, Applicants thank the Examiner for the acknowledgement of allowable subject matter in claims 2-4, 11, and 15-16.

As a second preliminary matter, the Examiner incorrectly states that Applicants have not complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. Applicants respectfully point the Examiner's attention to item no. 9 on page 3 of the Request for Filing Continuing or Divisional Application filed by Applicants on October 29, 2003. The Examiner should find that Applicants have already specifically amended the Specification exactly as now is being suggested by the Examiner, and which fully complied with the requirements of Section 120. Applicants will gladly furnish the Examiner with a courtesy copy of this paper if it is missing from the Examiner's file.

As a third preliminary matter, with regard to the drawings, Applicants submit that formal drawings were included along with the proposed drawing corrections filed on October 29, 2003, but were inadvertently filed without a separate "Submission of Formal Drawings" paper. Therefore, these same formal drawings are being resubmitted herewith as a Submission of Formal Drawings.

With regard to Figs. 25A-D specifically, Applicants have included herewith new marked-up copies of these specific drawings, with proposed changes in red. As can be seen from the proposed changes, Applicants have attempted to respond to the specific points noted by the Examiner in the outstanding Office Action (Paper No. 08092004). Approval of the proposed drawing changes is respectfully requested.

As a fourth preliminary matter, claim 2 stands objected to for informalities. In response, Applicants have amended independent claim 2 according to the Examiner's suggestion. Reconsideration and withdrawal of the outstanding objection are therefore respectfully requested in light of this amendment. Applicants have further amended claim 2 to clarify that the recited constraining force can be exerted by at least one point, as opposed to several points only

Claims 2-13 and 15-18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. With respect to the rejection of claim 6 specifically, claim 6 has been cancelled without prejudice herein, rendering this rejection thereto now moot. Applicants respectfully traverse the remaining rejections as follows.

With respect to claim 2, claim 2 has been amended as discussed above with regard to the informality objection. Applicants submit that the correction of the informality objection also serves to overcome this Section 112 rejection of the same claim. Claim 2 now clearly distinguishes the loading mechanism, the lifting mechanism, the constraining mechanism, and the holding mechanism as distinct elements.

With respect to claims 3 and 5, Applicants submit that claim 3 presently reads correctly, but that claim 5 read correctly in its original form, which was inadvertently amended incorrectly in the Preliminary Amendment, filed February 27, 2004. Applicants have therefore amended claim 5 herein to restore it to its original form. The portion of text cited by the Examiner (page 26, line 24 to page 27, line 21) is therefore not applicable to the features of the present invention recited in claim 5. This text portion refers to Figs. 25B and

25C, which both illustrate movement of the holding mechanism in the direction *of* ejection (arrow F). Fig. 25D, on the other hand, illustrates the holding mechanism being moved in the direction of insertion (arrow R), and how the inclined planes 93 engage with the pins 83, thereby enabling separation of the spindle motor from the storage medium (best seen by the dashed circles with upward pointing arrows under the pins 83).

Applicants acknowledge that the Specification inadvertently transposed these two directions, and therefore it was the Specification that was misdescriptive of the claims, and not the other way around. Accordingly, the Specification has also been amended herein to correct for these typographical errors. Applicants submit that, in light of these amendments, claims 3 and 5 now read correctly with respect to one another, and with respect to the Specification, and that the Section 112 rejection(s) thereto have been overcome.

With respect to claims 7-9 and 17, all four of these claims have been amended herein to now depend from currently pending claims, as well as to include all proper antecedent bases for all claimed features.

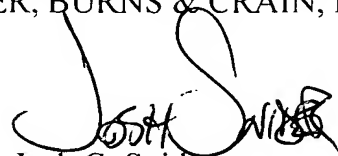
With respect to the remaining rejected claims 4, 10-13, 15-16, and 18, Applicants note that these claims only remain rejected for depending on another rejected claim. Applicants submit that these claims should therefore be in condition for allowance for at least the reasons discussed above addressing those other rejected claims. Applicants further note that claims 12-13 have also been amended herein, because these claims originally depended on claim 6, but now recite proper dependencies and antecedent bases for all of their respective features.

For all of the foregoing reasons. Applicants submit that this Application, including claims 2-5, 7-13, and 15-18, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", is written over the printed name.

Josh C. Snider

Registration No. 47,954

Customer No. 24978

December 16, 2004

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315

P:\DOCS 2803 68663 709742.DOC



25/32

Fig. 25A

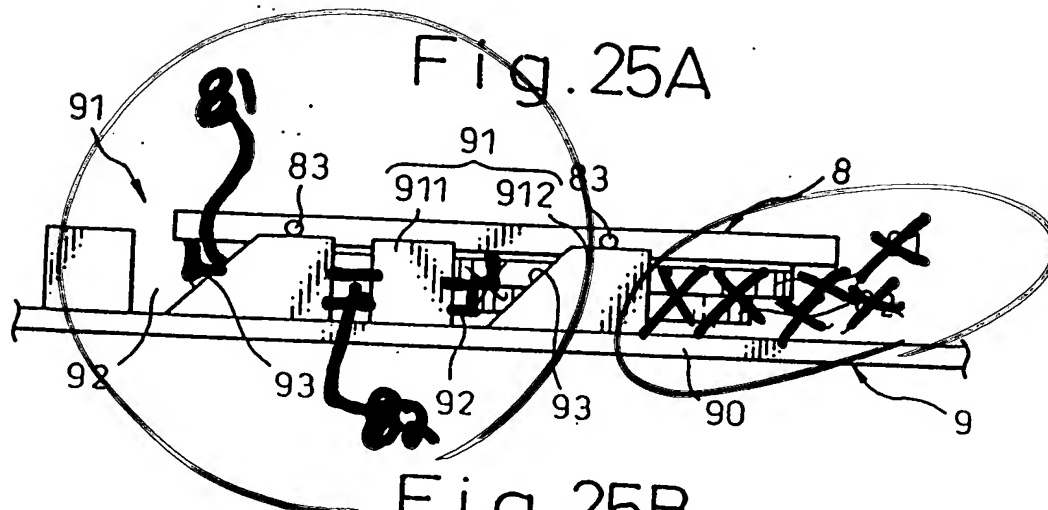


Fig. 25B

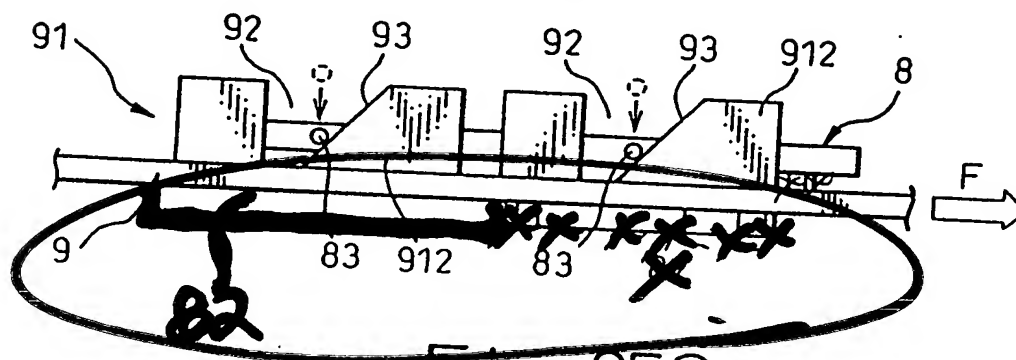


Fig. 25C

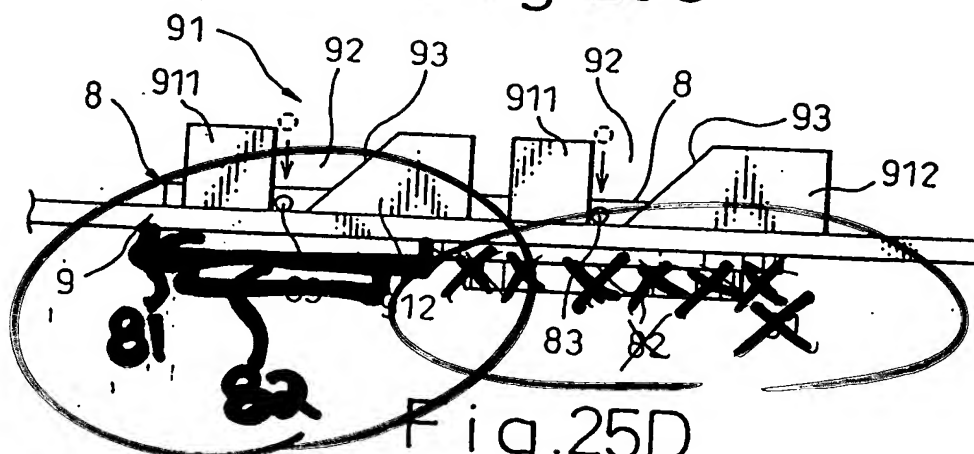
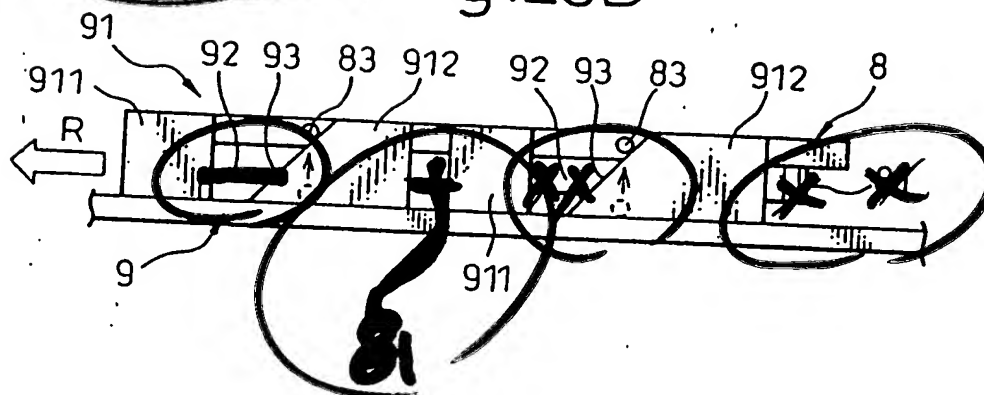


Fig. 25D



IN THE DRAWINGS:

Please approve the drawing changes as shown in red in the attached marked-up copies of Figs. 25A-D. A separate Letter to the Draftsman indicating the same proposed drawing changes is enclosed herein.